

FILED IN
1st COURT OF APPEALS
HOUSTON, TEXAS
8/7/2020 4:25:44 PM
CHRISTOPHER A. PRINE
Clerk

Nos. 01-20-00004-CR and 01-20-00005-CR

In the Court of Appeals
For the First District of Texas
At Houston

—◆—
Nos. 1657519 and 1657521
In the 338th District Court
Of Harris County, Texas

—◆—
Ex parte Joseph Eric Gomez
Appellant

—◆—
EMERGENCY MOTION TO WITHDRAW MANDATE
—◆—

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By issuing its mandate with its opinion, this Court deprived the Court of Criminal Appeals of its ability to review the case, and the State of its ability to seek review.

This Court issued its opinions in these cases as 2:39 on a Friday afternoon. It issued its mandates at the same time.

By issuing its mandates at the same time as the opinion this Court has deprived the Court of Criminal Appeals of its right to independently review this Court's decision. And it has deprived the State of its right to seek rehearing or discretionary review. This is not an appropriate use of Rule 2.

The State asks this Court to withdraw its mandate. In an abundance of caution, the State has already asked the Court of Criminal Appeals, under Rule 67.2, to order this Court to stay its mandate. That motion was filed at 4:11 pm, shortly after the opinion and mandates issued.

Conclusion

This Court should withdraw its mandates.

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